



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

May 12, 2025

BY ECF

The Honorable Jeannette A. Vargas
United States District Judge
500 Pearl Street
New York, NY 10007

Re: *United States v. Ho*, 25-3 (JAV)

Dear Judge Vargas,

The Government respectfully submits this letter to request a 60-day adjournment of the status conference currently scheduled for this Thursday, May 15, 2025. The parties have conferred and the defendant consents to this motion.

The Government will complete discovery of the discovery currently in its possession by the end of next week. As previously discussed in the Government's letter dated March 26, 2025, by March 26, 2025, the Government had already produced all discovery materials in the Government's possession except for (1) materials considered Proprietary Materials under the Protective Order; (2) some portions of approximately 1.3 million documents the Government had received from Firm-1; and (3) electronic devices seized from the defendant and other electronic returns obtained from search warrants. Since then, the Government has produced all of the 1.3 million documents from Firm-1, including documents designated as Proprietary Materials, as well as all other Proprietary Materials currently in the Government's possession. The drives containing the Proprietary Materials were mailed out on Friday, May 10, 2025, and should be received by counsel by the end of day today. In addition, the Government will send out drives containing the defendant's electronic devices by the end of this week.¹ The Government has also obtained returns from Amazon Web Services and Microsoft Azure, which the Government has communicated to defense counsel that the Government will produce initially as Proprietary Materials until the

¹ The Government had initially sent out one drive containing the defendant's electronic devices also on May 10, 2025, but we had to ask the shipper to return the drive back to the Government because the Government had inadvertently failed to encrypt the drive. The Government is already working on copying the second drive, which takes approximately 6 business days due to its size—approximately 7 terabytes. The Government has started and will continue to conduct a privilege screen of the electronic devices, after which the Government will conduct its electronic search protocol.

Government can finish processing the data and determine whether any data in these returns—which the Government understands were used to house ORS source code—can be de-designated. The Government received the drives from defense counsel for these returns and the Government will produce these as quickly as the data—also approximately five terabytes—can be copied.

Because defense counsel will receive a significant amount of discovery in the coming days—including the Government’s first production of Proprietary Material (that can be reviewed only on standalone computers pursuant to the Protective Order) consisting of approximately 28.4 gigabytes of data, as well as the entirety of the data obtained from Amazon Web Services, Microsoft Azure, and the defendant’s seized devices, all also subject to Proprietary Material treatment pursuant to the Protective Order until the Government determines which portions may be de-designated—the parties believe that a 60-day adjournment of the status conference would allow defense counsel to begin review of the discovery and the parties to propose a reasonable motion and trial schedule in view of the amount of discovery.

If the Court were to grant the adjournment request, the Government also requests, with defense counsel’s consent, an exclusion of time under the Speedy Trial Act until the next scheduled conference. Such an exclusion of time would be in the interest of justice because it would allow defense counsel to review the discovery and to consider what if any defense motions to bring.

Respectfully submitted,

JAY CLAYTON,
United States Attorney

by: /s/
Rushmi Bhaskaran
Ni Qian
Assistant United States Attorneys
(212) 637-2439/-2364